

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

HOWARD DENNIS KELLY, )  
v. )  
Plaintiff )  
U.S. MARSHAL'S SERVICE, et al., ) Civil No. 07-55-P-H  
Defendants )

## ORDER

Plaintiff has filed a Complaint pursuant to 42 U.S.C. § 1983 and alleging a so-called "Bivens" action. He has neither paid the \$350.00 filing fee nor filed an application to proceed in forma pauperis. See 28 U.S.C. § 1915(a)(2) ("A prisoner seeking to bring a civil action ... without prepayment of fees or security therefore, in addition to filing the affidavit...shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint ... obtained from the appropriate official of each prison at which [he] is or was confined") (emphasis added).

The Clerk is hereby directed to forward a form Application to Proceed *In Forma Pauperis*, incorporating the amendments, to the Plaintiff. Plaintiff is hereby ORDERED to file an Application to Proceed *In Forma Pauperis*, together with an account statement for the last six months, or pay the filing fee of \$350, no later than April 20, 2007, failing which I will issue a recommendation that this matter be dismissed for lack of prosecution.

*SO ORDERED*

March 30, 2007

/s/ Margaret J. Kravchuk  
U.S. Magistrate Judge